

## Message Text

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ACTION IO-13

INFO OCT-01 ARA-06 NEA-10 ISO-00 AF-08 EA-07 EUR-12

FEA-01 AID-05 CEQ-01 CIAE-00 ERDA-05 COME-00

DODE-00 EB-08 EPA-01 INR-07 L-03 NSF-01 NSC-05

NSAE-00 PM-04 USIA-06 OES-06 SS-15 SP-02 INT-05

OIC-02 PA-01 PRS-01 /136 W

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R 240110Z MAR 77

FM USDEL MAR DEL PLATA

TO SECSTATE WASHDC 075

INFO USMISSION USUN NY

AMEMBASSY BUENOS AIRES

AMEMBASSY DACCA

AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: UN, OCON, SENV

SUBJ: UN WATER CONFERENCE: BANGLADESH PROPOSAL COMPROMISE

A) MAR DEL PLATA 29 B) RHODES-KURTZER TELCON 3/22/77

1. EVENING SESSION OF COMITE II ON MARCH 22 SAW  
INTRODUCTION OF BANGLADESH PROPOSAL ON "INTERNATIONAL  
LEGISLATION" (REF A) AND LIVELY DISCUSSION FOLLOWED.  
BDG DELEGATE SPOKE ELOQUENTLY AND ATTEMPTED TO DISARM  
"CODE OF CONDUCT" ISSUE BY EMPHASIZING THAT PHRASE  
NOT USED IN LEGAL SENSE AND STRESSING BDG FLEXIBILITY  
ON DRAFTING. SCANDANAVIAN GROUP PUT FORWARD A SINGLE  
PARAGRAPH DRAFT AS A SUBSTITUTE FOR BDG DRAFT, REFERRING  
TO LATTER AS TOO COMPLEX AND DETAILED. CANADA OFFERED  
BDG DRAFT GENERAL SUPPORT IN SPEECH OFFERING A FEW  
AMENDMENTS AND DESCRIBING US-CANADIAN RELATIONS  
OVER SHARED WATER RESOURCES IN GLOWING TERMS. INDIA,  
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BRAZIL, AND TURKEY, ALL UPSTREAMERS, BALKED AT  
CODE OF CONDUCT CONCEPT. USDEL PUT FORWARD EXTENSIVE  
SET OF AMENDMENTS DESCRIBED IN REF B AND SUPPLEMENTED  
BY DEPARTMENT INSTRUCTIONS. IRAQ STRONGLY SUPPORTED  
BDG DRAFT AS ALTERED BY US AMENDMENTS. BDG THEN  
STATED IT COULD ACCEPT THE US AMENDMENTS IN ENTIRETY,  
INCLUDING DELETION OF CALL FOR RECONVENING UN WATER

CONFERENCE. CHAIRMAN ABBAS CALLED FOR WORKING GROUP OF INTERESTED COUNTRIES TO FIND COMPROMISE BASED ON BDG PROPOSAL, NORDIC PROPOSAL AND US AMENDMENTS, AND ADJOURNED NIGHT SESSION.

2. WORKING GROUP OPENED THIS AM WITH INDIAN DELEGATE GOING THROUGH BDG DRAFT AND US AMENDMENTS, ACCEPTING ALMOST ALL THE LATTER AND SUGGESTING SOME ADDITIONAL CHANGES, SWEDEN THEN DISTRIBUTED TO ALL DELEGATES ATTENDING COPIES OF A COMBINED VERSION OF BDG DRAFT AS AMENDED BY US AND NORDIC GROUP, AND THIS DOCUMENT BECAME BASIS FOR A FINAL COMPROMISE TEXT. WORKING GROUP ADJOURNED INTO A SMALLER DRAFTING GROUP TO HAMMER OUT FINAL POINTS ON WHICH UPSTREAMERS AND DOWNSTREAMERS REMAINED UNRECONCILED, UNDER CHAIRMANSHIP OF SWEDISH DELEGATE. GROUP INCLUDED BDG, INDIA, IRAQ, TURKEY, BRAZIL, ARGENTINA, RUMANIA, CANADA, FRG AND US. AFTER HARD SESSION, GROUP ARRIVED AT VERSION WHICH WAS PRESENTED TO AND ADOPTED BY CONSENSUS IN COMITE II THIS AFTERNOON WITH ONLY MINOR CHANGES. APPROXIMATE FINAL TEXT READS AS FOLLOWS: BEGIN TEXT

#### INTERNATIONAL COOPERATION

110. IT IS NECESSARY FOR STATES TO COOPERATE IN THE CASE OF SHARED WATER RESOURCES IN RECOGNITION OF THE GROWING ECONOMIC, ENVIRONMENTAL AND PHYSICAL INTERDEPENDENCIES ACROSS INTERNATIONAL FRONTIERS. SUCH COOPERATION, IN ACCORDANCE WITH THE CHARTER OF THE UNITED LIMITED OFFICIAL USE

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NATIONS AND PRINCIPLES OF INTERNATIONAL LAW, MUST BE ON THE BASIS OF THE EQUALITY, SOVEREIGNTY AND TERRITORIAL INTEGRITY OF ALL STATES, AND TAKING DUE ACCOUNT OF THE PRINCIPLE EXPRESSED INTER ALIA IN PRINCIPLE 21 OF THE DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT.

111. IN RELATION TO THE USE, MANAGEMENT AND DEVELOPMENT OF SHARED WATER RESOURCES, NATIONAL POLICIES SHOULD TAKE INTO CONSIDERATION THE RIGHTS OF EACH STATE SHARING THE RESOURCES TO EQUITABLY UTILIZE SUCH RESOURCES AS THE MEANS TO PROMOTE BONDS OF SOLIDARITY AND COOPERATION.

112. A CONCERTED AND SUSTAINED EFFORT IS REQUIRED TO STRENGTHEN INTERNATIONAL WATER LAW AS A MEANS OF PLACING COOPERATION AMONG STATES ON A FIRMER BASIS. THE NEED FOR PROGRESSIVE DEVELOPMENT AND CODIFICATION OF THE RULES OF INTERNATIONAL LAW REGULATING THE DEVELOPMENT AND USE OF INTERNATIONAL WATER RESOURCES

HAS BEEN THE GROWING CONCERN OF MANY GOVERNMENTS.

113. TO THIS END IT IS RECOMMENDED THAT:

A. (A) THE WORK OF THE INTERNATIONAL LAW COMMISSION OF THE UNITED NATIONS IN ITS CONTRIBUTION TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION IN RESPECT TO THE LAW OF NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES SHOULD BE GIVEN A HIGHER PRIORITY IN THE WORKING PROGRAM OF THE COMMISSION AND BE COORDINATED WITH ACTIVITIES OF OTHER INTERNATIONAL BODIES DEALING WITH THE DEVELOPMENT OF INTERNATIONAL LAW OF WATERS WITH A VIEW TO THE EARLY CONCLUSION OF AN INTERNATIONAL CONVENTION.

(B) IN THE ABSENCE OF BILATERAL OR MULTILATERAL LIMITED OFFICIAL USE

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AGREEMENTS, MEMBER STATES CONTINUE TO APPLY GENERALLY ACCEPTED PRINCIPLES OF INTERNATIONAL LAW IN THE USE, DEVELOPMENT AND MANAGEMENT OF SHARED WATER RESOURCES.

(C) THE UNEP INTERGOVERNMENTAL WORKING GROUP OF EXPERTS ON NATURAL RESOURCES SHARED BY TWO OR MORE STATES BE URGED TO EXPEDITE ITS WORK ON DRAFT PRINCIPLES OF CONDUCT IN THE FIELD OF ENVIRONMENT FOR THE GUIDANCE OF STATES IN THE CONSERVATION AND HARMONIOUS EXPLOITATION OF NATURAL RESOURCES SHARED BY TWO OR MORE STATES.

(D) MEMBER STATES TAKE NOTE OF THE RECOMMENDATIONS OF THE PANEL OF EXPERTS ON THE LEGAL AND INSTITUTIONAL ASPECTS OF INTERNATIONAL WATER RESOURCES DEVELOPMENT SET UP UNDER ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1033 (XXXVII) OF 14 AUGUST 1964, AS WELL AS THE RECOMMENDATIONS OF THE UNDP/UNITED NATIONS INTERREGIONAL SEMINAR ON RIVER BASIN AND INTERBASIN DEVELOPMENT, (BUDAPEST 1975).

(E) MEMBER STATES ALSO TAKE NOTE OF THE USEFUL WORK OF NONGOVERNMENTAL AND OTHER EXPERT BODIES ON INTERNATIONAL WATER LAW.

(F) REPRESENTATIVES OF EXISTING INTERNATIONAL COMMISSIONS ON SHARED WATER RESOURCES BE URGED TO MEET AS SOON AS POSSIBLE WITH A VIEW TO SHARING AND DISSEMINATING THE RESULTS OF THEIR EXPERIENCE AND TO ENCOURAGE INSTITUTIONAL AND LEGAL APPROACHES

TO THIS QUESTION.

B. REGIONAL GUIDELINES

THE REGIONAL WATER ORGANIZATIONS, TAKING INTO  
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ACCOUNT EXISTING AND PROPOSED STUDIES AS WELL AS THE  
HYDROLOGICAL, POLITICAL, ECONOMIC AND GEOGRAPHICAL  
DISTINCTIVENESS OF VARIOUS SHARED WATER RESERVES  
SHOULD SEEK WAYS OF INCREASING THEIR CAPABILITIES  
OF PROMOTING COOPERATION IN THE FIELD OF SHARED  
WATER RESOURCES AND, FOR THIS PURPOSE, DRAW UPON  
THE EXPERIENCE OF OTHER REGIONAL WATER ORGANIZATIONS.

C. UNITED NATIONS ASSISTANCE

THE UNITED NATIONS SYSTEM SHOULD BE FULLY UTILIZED  
IN REVIEWING, COLLECTING, DISSEMINATING AND  
FACILITATING EXCHANGE OF INFORMATION AND EXPERIENCES,  
ON THIS QUESTION.

THE SYSTEM SHOULD ACCORDINGLY BE ORGANIZED TO PROVIDE  
CONCERTED AND MEANINGFUL ASSISTANCE TO STATES AND BASIN  
COMMISSIONS REQUESTING SUCH ASSISTANCE. END TEXT.

3. BDG AND INDIA BOTH EXPRESSED QUALIFIED PLEASURE AT  
OUTCOME TO USDEL AFTER WORK FINISHED. BDG WANTED MORE  
BUT RELIEVED AT NOT BEING FORCED TO ACCEPT SHORT NORDIC  
DRAFT AS SUBSTITUTE FOR THEIR SUBSTANTIAL EFFORTS.  
INDIANS PROVED MUSH LESS INTRACTABLE IN DRAFTING GROUP  
THAN BRAZILIANS AND TURKS, AND OVERALL SESMED QUITE  
SATISFIED. OUTCOME APPEARS TO BE AS POSITIVE IN NATURE  
AS POSSIBLE UNDER THE CIRCUMSTANCES.

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## Message Attributes

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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009